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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/006,972	12/04/2001	Kenneth W. Dobie	RTS-0335	2850	
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Jane Massey Licata Licata & Tyrrell, P.C. 66 East Main Street			EXAMINER		
			EPPS FORD, JANET L		
Marlton, NJ 0	8053		ART UNIT	PAPER NUMBER	
			1635	8	
			DATE MAILED: 09/04/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicants s Application No. Applicants s DOBIE, KENNETH W.									
Examiner Janet L. Experiency Price Art Unit Janet L. Experiency Price Art Unit Janet L. Experiency Price Art Unit Janet L. Experiency Price Price Art Unit Janet L. Experiency Price Price Art Unit Janet L. Experiency Price		Application No. Applicant(s)							
Janet L. Epps-Ford, Ph.D. 1635		10/006,972	·	DOBIE, KENNETH W.					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Especiation of time may be available under the provisions of 3 CFR 1.13(lg). In no event, however, may a reply be timely fled after 18 K (g) MCNTHS from he malining date of this communication. If the Mailing Date of the provision of 3 CFR 1.13(lg), In no event, however, may a reply be timely fled after 18 K (g) MCNTHS from he malining date of this communication. If NO period for only is a specified show, the malining date of the communication of the 18 K (g) MCNTHS from he malining date of the scommunication. If NO period for only is a specified show, the malining date of the scommunication is expected at the 18 K (g) MCNTHS from he malining date of the scommunication. If NO period for only is a specified show, the malining date of the scommunication, event if maliny fled in each patient them adjustment. See 37 CFR 1.70(lg) This action is FINAL. 2 b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex partie Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s)is/are pending in the application. 4) ☑ Claim(s)is/are ending in the application. 4) ② Claim(s)is/are ending in the application. 5) ☐ Claim(s)is/are allowed. 6) ☐ Claim(s)is/are objected to. 8) ② Claim(s)is/are rejected. 7) ☐ Claim(s)is/are objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction fied onis/are; a) □ accepted or b) □ objected to by the Examiner. 12) □ The oath or declaration is objected to by the Examiner. 12) □ The oath or declaration is objected to by the Examiner. 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f). 2) □ All b) □ some *c □ None of:	Office Action Summary	Examiner		Art Unit					
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Application/Control Number: 10/006,972

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14 and 19-20, drawn to a compound 8 to 50 nucleobases in length targeted to a nucleic acid molecule encoding phospholipid scramblase 3, classified in class 536, subclass 24.5.
 - II. Claims 15-18, drawn to a method of inhibiting the expression of phospholipid scramblase 3 in cells or tissues comprising contacting said cells or tissues with a compound of 8 to 50 nucleobases in length targeted to a nucleic acid encoding phospholipid scramblase 3, and methods of treating an animal having a disease or condition associated with phospholipid scramblase 3 comprising administering said 8 to 50 nucleobase compound, classified in class 514, subclass 44.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the compounds of invention I may be used in an *in vitro* assay for detecting the presence of a nucleic acid encoding phospholipid scramblase 3 in cells or tissues.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

- 4. Claims 1-20 are generic to a plurality of disclosed patentably distinct antisense oligonucleotides comprising a nucleotide sequence according to SEQ ID NO: 20, 21, 28-29, 39, 41-42, 47, 51, 56, 58-59, 63, and 77-79. Each of the antisense oligonucleotide sequences recited in the instant claims are considered to be structurally independent and distinct even though they each target the same gene, because each of these antisense oligonucleotide sequences have a unique nucleotide sequence and each targets a different and specific region of the gene. Furthermore, a search of all the antisense sequences recited in claim 3 presents an undue burden on the Patent and Trademark Office to search and examine all of the recited sequences.
- 5. In view of the foregoing, applicants are required to elect an invention from either group I or II, and furthermore must elect 1 (one) antisense oligonucleotide sequence from claim 3 to be searched with the elected invention. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Epps-Ford, Ph.D. whose telephone number is 703-308-8883. The examiner can normally be reached on Monday-Thursday, 8:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on 703-308-0447. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Japet L. Epps-Ford,

Examiner
Art Unit 1635

JLE

September 2, 2003